

*Suffolk Superior Civil # 04-2439 BLS*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERK'S OFFICE

2004 JUN 15 P 2:18

BABSON COLLEGE

Plaintiff

vs.

PAUL D. REYNOLDS

Defendant

and

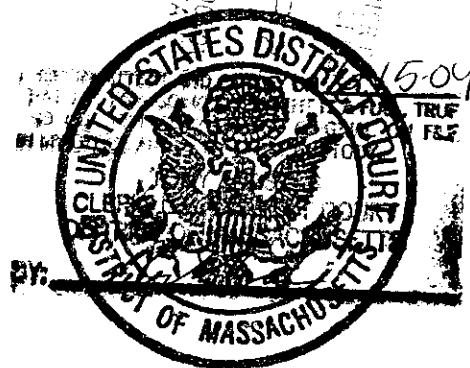
JOHN AND JANE DOE(S)

Reach and

Apply Defendants

Civil Action No.

04 - 11336 RCL



NOTICE OF REMOVAL

Pursuant to 28 U. S. C. §1441, defendant Paul D. Reynolds (" Reynolds") files this Notice of Removal and states:

1. Reynolds is the defendant in an action commenced against him by plaintiff in the Superior Court of the Commonwealth of Massachusetts for Suffolk County captioned Babson College v. Paul D. Reynolds and John and Jane Doe(s), Civil Action No. 04-2439-BLS2 (the "state action"). True copies of all process, pleadings and orders served on Reynolds in the state action are attached hereto as Exhibit A and specifically incorporated herein.

2. In its complaint, plaintiff Babson alleges that Reynolds's voluntary separation from Babson terminated his right to lawful possession of property, including confidential and proprietary information, relating to a certain Global Entrepreneurship Monitor (GEM) research project, that Reynolds possesses such property, and has thereby converted such property.

3. Plaintiff describes the nature of the action in the complaint as "theft of intellectual property" and identifies the GEM-related intellectual property allegedly owned by Babson as application software, the GEM marks and logo, data sets.

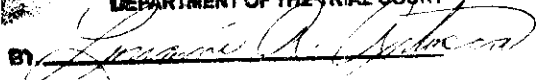
4. Reynolds was served with a summons and a copy of plaintiff's complaint on June 4, 2004. Consequently, this notice is timely under 28 U.S.C. §1446(b).

5. This action is one which this Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1338, and 28 U.S.C. §1391 and which may be removed to this court by Reynolds.

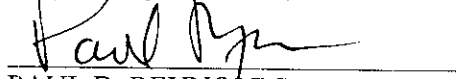
HEREBY ATTEST AND CERTIFY ON

JUNE 16, 2004, THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY   
ASSISTANT CLERK.

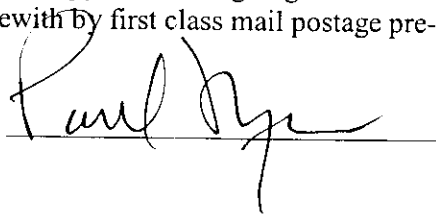
Respectfully submitted,

  
PAUL D. REYNOLDS  
67 Gilson Road  
Scituate, MA 02066  
Defendant

#### CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true copy of the foregoing document was served on counsel for plaintiff on even date herewith by first class mail postage pre-paid and by fax.

Dated: 15 JUNE 2004



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2439-BLS

Babson College PLAINTIFF(S)

v.

Paul D. Reynolds DEFENDANT(S)

NOTICE OF APPEARANCE

TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter my appearance as attorney for Paul D. Reynolds

in the above entitled action.

Dated: 10 June <sup>4</sup>2004

Bruce D. Jobse  
Bruce D. Jobse

Attorney for plaintiff - defendant

Address: Kudinka & Jobse  
One State Street  
Suite 800  
Boston, MA 02109

Tel. No. (617) 367-4600

BBO Number 558,152

*Filed:  
June 10, 2004  
(Before J.)  
Clara A. Walsh  
Asst. Clerk*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

BABSON COLLEGE

Plaintiff,

v.

PAUL D. REYNOLDS AND JOHN  
AND JANE DOE(S)  
Defendants.

Civil Action No.

2004 JUN 15 P 2:18

U.S. DISTRICT COURT  
DISTRICT OF MASS.

04 - 11336 RCL

DEFENDANT'S SUPPLEMENTAL MOTION FOR TEMPORARY  
RESTRAINING ORDER

The Defendant, Paul D. Reynolds, ("Reynolds"), hereby moves that the Court enter one or more orders, as follows:

1. TEMPORARILY RESTRAINING and enjoining the plaintiff, Babson College, and each of its agents, servants, employees, representatives, and attorneys (collectively "Babson"), and all those persons in active concert or privity with Babson, from failing forthwith to comply with the following procedures pertaining to any e-mail accounts or hard copy paper files under the control of Babson, and any computer hardware or software in the possession or under the control of Babson:

A. Babson shall immediately identify all hard copy paper files, e-mail accounts and computers under its control that contain any communications concerning Defendant and/or the conduct or ongoing funding of the program Global Entrepreneurship Monitor ("GEM") or any similar program, said communications including without limitation, communications since at least May 1, 2003 between Babson and any representative, employee or agent of the London Business School, the Florida International University, the Kauffman Foundation, any source of actual or potential

funding of the GEM program or any similar program and any of the National teams that have ever participated in the GEM program.

B. For each computer or other storage medium under the control of Babson that contains the e-mail communications of Section A hereof, Babson shall not delete, remove or otherwise move any e-mails stored or contained in or on any such e-mail accounts and shall make one full-image copy onto a separate computer storage device and shall deliver such copy as soon as reasonably practicable to Defendant;

C. Defendant shall promptly review such full image copy and catalogue the same for purpose of identifying all "Personal Data," which for purposes hereof shall mean any information, correspondence and data that do not directly or indirectly concern or relate to Babson's communications referred to Section A hereof, and then Defendant shall make a second copy of such full image copy ('Second copy') that does not contain said Personal Data ('Second copy');

D. Babson may at reasonable times conduct its own review of the full image copy to determine what it regards as Personal Data and advise Defendant of same such that the parties may attempt to agree on which materials relate to Babson's communications referred to in Section A hereof;

E. The Second Copy will thereafter be maintained by Defendant and subjected to whatever review and analysis as it deems appropriate. Upon conclusion of the litigation, the Court shall make such order as shall be appropriate under the circumstances with respect to the disposition of the full image copy and any Second Copy, any and all reports and other analysis thereof.

F. For each hard copy paper file or files referred to in Section A hereof, Babson shall not destroy, delete or remove any papers, part or portion that comprise said files and shall allow Defendant to inspect all such files to determine the existence of all hard paper copies that contain information directly or indirectly related to said communications referred to in Section A; and upon completion of Defendant's

PENDING MOTIONS

1. DEFENDANT'S MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR REPLEVIN filed June 10, 2004 in Massachusetts Superior Court, Civil Action No. 04-2439-BLS2

2. DEFENDANT'S SUPPLEMENTAL MOTION FOR TEMPORARY RESTRAINING ORDER filed June 15, 2004 herewith.

inspection, Plaintiff shall make and deliver to Defendant one full paper copy set of all papers and documents that Defendant identifies as pertaining directly or indirectly to all said communications.

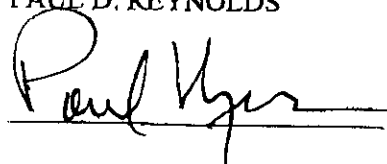
2. TEMPORARILY RESTRAINING and enjoining Babson from using or disclosing to any person or entity any of the information that Babson has heretofore copied from Defendant's laptop computer.

The foregoing motion is supported by the Declaration of Paul D. Reynolds which is filed concurrently herewith together with a proposed form of Order.

WHEREFORE, Reynolds prays that the within motion be ALLOWED.

PAUL D. REYNOLDS

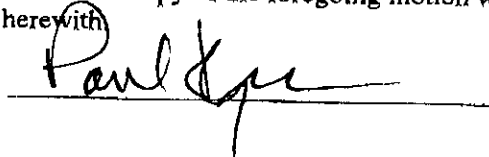
Dated: 15 JUNE 2004



**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true copy of the foregoing motion was served on counsel for Plaintiff on even date herewith

Dated: 15 JUNE 2004



JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Babson College

(b) County of Residence of First Listed Plaintiff **Norfolk**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

**Seyfarth Shaw, LLP**  
**World Trade Center East**  
**Two Seaport Lane, Suite 300**  
**Boston, MA 02210-2028**

## DEFENDANTS

Paul D. Reynolds

2004 JUN 15 P 2:18

County of Residence of First Listed **Plymouth**  
(IN U.S. PLAINTIFF CASES ONLY OF MASS.)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

04-11336 RCL

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC Sections 1331, 1338 Copyright infringement; trademark infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

15 JUNE 2004

SIGNATURE OF ATTORNEY OF RECORD

Paul D. Reynolds

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Babson College v. Paul D. Reynolds FILED  
CLERK'S OFFICE  
JUL 15 P 2:18  
DISTRICT COURT  
OF MASS.
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 21 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?  
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)  
YES ☐ NO ☒  
If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?  
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?  
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).  
YES ☒ NO ☐  
A. If yes, in which division do all of the non-governmental parties reside?  
Eastern Division ☒ Central Division ☐ Western Division ☐  
B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?  
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)  
YES ☒ NO ☐
- (PLEASE TYPE OR PRINT)  
ATTORNEY'S NAME Paul D Reynolds  
ADDRESS 67 GILSON ROAD; SCITUATE, MA 02066  
TELEPHONE NO. 781-545-6379

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT  
Case Summary  
Civil Docket

06/15/2004  
04:43 PM

**SUCV2004-02439**  
**Babson College v Reynolds**

<b>File Date</b>	06/03/2004	<b>Status</b>	Disposed: transferred to other court (dtrans)
<b>Status Date</b>	06/15/2004	<b>Session</b>	BLS2 - CtRm 20
<b>Origin</b>	1	<b>Case Type</b>	BD1 - Intellectual property
<b>Lead Case</b>		<b>Track</b>	B

<b>Service</b>	<b>Answer</b>	<b>Rule12/19/20</b>
<b>Rule 15</b>	<b>Discovery</b>	<b>Rule 56</b>
<b>Final PTC</b>	<b>Disposition</b>	<b>Jury Trial</b> No

**PARTIES**

<b>Plaintiff</b> Babson College Active 06/03/2004	<b>Private Counsel 075220</b> Robert B Carpenter Seyfarth Shaw 2 Seaport Lane Suite 300 World Trade Center East Boston, MA 02210-2028 Phone: 617-946-4800 Fax: 617-946-4801 Active 06/03/2004 Notify
<b>Defendant</b> Paul D Reynolds Service pending 06/03/2004	<b>Private Counsel 378755</b> M Lawrence Oliverio Kudirka & Jobse One State Street Boston, MA 02109 Phone: 617-367-4600 Fax: Active 06/11/2004 Notify
	<b>Private Counsel 558152</b> Bruce Jobse One State Street Suite 800 Boston, MA 02109 Phone: 617-367-4600 Active 06/15/2004 Notify

**ENTRIES**

Date	Paper	Text
06/03/2004	1.0	Complaint (Business) filed
06/03/2004		Origin 1, Type BD1, Track B.
06/03/2004	2.0	Civil action cover sheet filed
06/03/2004	3.0	Notice of acceptance into business litigation session
06/03/2004	4.0	Motion of plff for the appointment of Suvalle Jodrey & Associates as special process server and allowed (vanGestel J)
06/04/2004		Upon payment of \$90.00 to Clerk/Magistrate notice to show cause to issue returnable Thursday June 10, 2004 in room 20 at 9:00AM with TRO issued in order (Botsford J)

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT

Case Summary  
Civil Docket

06/15/2004  
04:43 PM

**SUCV2004-02439**  
**Babson College v Reynolds**

Date	Paper	Text
06/04/2004		Fee paid Summons order of notice and TRO issued
06/04/2004	5.0	ORDER re: TRO issued (Botsford J)
06/10/2004	6.0	INTERLOCUTORY ORDER On Preliminary Injunction (Margot Botsford, Justice)
06/15/2004		Certified copy of petition for removal to U. S. Dist. Court of Deft. Paul D. Reynolds U. S. Dist.#(04-11336RCL).
06/15/2004		Case REMOVED this date to US District Court of Massachusetts

**EVENTS**

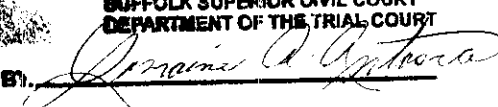
Date	Session	Event	Result
06/10/2004	CtRm 20	Motion/Hearing: prel inj	Event held--Under Advisement
06/21/2004	CtRm 20	Motion/Hearing: prel inj continuation of TRO (REMOVED TO U.S. DISTRICT COURT)	Event canceled not re-scheduled

**. HEREBY ATTEST AND CERTIFY ON**

JUNE 16, 2004 THAT THE

**FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT**

**BY**   
ASSISTANT CLERK.